

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION

FILED
U.S. DISTRICT COURT
SAVANNAH DIV.
2013 JUL 25 AM 11:50
CLERK *Ann H. Bond*
S.D. DIST. OF GA.

FABIAN HENDERSON,

Plaintiff,

v.

CIVIL ACTION NO. CV613-008

STANLEY WILLIAMS; BRIAN OWENS;
JAMES DEAL; WAYNE JOHNSON; ERIC
SMOKES; and ANDREW McFARLANE,

Defendants.

ORDER

After an independent review of the record, the Court concurs with the Magistrate Judge's Report and Recommendation, to which no objections have been filed. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted as the opinion of the Court.

Defendants' Motion to Dismiss is **GRANTED**. Plaintiff's complaint is **DISMISSED**, without prejudice, based on Plaintiff's failure to exhaust his administrative remedies prior to filing this cause of action. Plaintiff's Motion for Summary Judgment is **DISMISSED** as moot. The Clerk of Court is hereby authorized and directed to enter an appropriate Judgment.

SO ORDERED, this 25 day of July, 2013.

B. Avant Edenfield
B. AVANT EDENFIELD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA